



**FARMERS
BRANCH**

ORDINANCE NO. 3189

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT-INTERIM USE WITH SPECIAL CONDITIONS TO ALLOW AN INDOOR CRICKET AND BASEBALL PRACTICE FACILITY ON A PORTION OF AN APPROXIMATELY 1.95 ACRE TRACT OF LAND LOCATED WITHIN PLANNED DEVELOPMENT NO. 70 "OLD FARMERS BRANCH - FREEWAY SUBDISTRICT" (PD-70-OFB-FW) ZONING DISTRICT; AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, AND GENERALLY LOCATED AT 2435 SQUIRE PLACE, SUITES 600 AND 700; PROVIDING FOR THE APPROVAL OF THE SITE PLAN ATTACHED AS EXHIBIT "B"; PROVIDING FOR ADDITIONAL SPECIAL CONDITIONS; PROVIDING A SAVINGS CLAUSE; REPEALING ORDINANCE NO. 3069; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS PER VIOLATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the laws of the State of Texas and the ordinances of the City of Farmers Branch, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity; and

WHEREAS, in accordance with Section 8-452 of the Comprehensive Zoning Ordinance, as amended, the City Council makes the following findings with respect to the application requesting the issuance of a Specific Use Permit – Interim Use on the property described in Exhibit "A," attached hereto and incorporated herein by reference ("the Property"), to wit:

1. The proposed use of the Property is consistent with existing uses of adjacent and nearby property;
2. The proposed use of the Property is not consistent with: (a) the reasonably foreseeable uses of adjacent and nearby property anticipated to be in place upon

expiration of the term of the Specific Use Permit - Interim Use; or (b) the use of the Property contemplated by the City's Comprehensive Plan, as in effect on the date of granting of said permit;

3. The proposed use of the Property will not impair development of adjacent and nearby property in accordance with said Comprehensive Plan during the period for which the Specific Use Permit - Interim Use is in effect;

4. The proposed use of the Property will not adversely affect the City's Thoroughfare Plan and traffic patterns, as in effect at the time of granting of said permit, and as contemplated by the City's Comprehensive Plan;

5. In addition to the amount of investment set forth in Ordinance No. 3069, the applicant has proposed to make an investment of up to \$15,000 in improvements to the Property related to the use to be authorized pursuant to the issuance of the requested Specific Use Permit - Interim Use and has stated that such investment can be recovered within three (3) years from the effective date of said permit and this Ordinance; and

6. The investment contemplated to be made by the applicant in the Property subsequent to or in reliance upon the issuance of the permit may reasonably be expected to be recovered prior to the expiration date of this Ordinance and the Specific Use Permit - Interim Use created hereby; and

WHEREAS, because this Ordinance is intended to renew and replace the Specific Use Permit - Interim Use granted pursuant to Ordinance No. 3069, Ordinance No. 3069 should be repealed; and

WHEREAS, having held the above-referenced public hearing and making the above findings, the governing body, in the exercise of its legislative discretion, has concluded that the Comprehensive Zoning Ordinance and Zoning Map should be amended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:

SECTION 1. The Comprehensive Zoning Ordinance and zoning map of the City of Farmers Branch, Texas, be, and the same is hereby amended, so as to grant a change in zoning by granting a Specific Use Permit-Interim Use with special conditions for an indoor Cricket or Baseball Practice Facility for property zoned Planned Development No. 70 "Old Farmers Branch - Freeway Subdistrict" (PD-70-OFB-FW) Zoning District, with respect to an approximately 9,624± square foot portion of the building located on the Property and more particularly described and depicted in Exhibit "A" hereto.

SECTION 2. The Property shall conform in operation, location and construction to the development standards specified within Planned Development No. 70 "Old Farmers Branch - Freeway Subdistrict" (PD-70-OFB-FW) zoning district as well as the following special conditions:

- A. The Property shall be developed and used only in accordance with the Site Plan attached as Exhibit "B", which is hereby approved;
- B. Prior to issuance of any Certificate of Occupancy for use of the Property as authorized by Section 1 of this Ordinance, all landscaping and screening material shown on the approved Site Plan must be planted and/or installed; and.
- C. Hours of Operation for the indoor baseball or cricket facility shall be limited so that they commence not earlier than 9:00 a.m. and end not later than 9:00 p.m. on any day. The Property may be used for the purposes authorized by Section 1 of this Ordinance every day of the week.

SECTION 3. The Property shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended and as amended herein.

SECTION 4. Ordinance No. 3069 shall be repealed upon the effective date of this Ordinance.

SECTION 5. In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Farmers Branch and the provisions of this Ordinance as applicable to the use and development of the Property, the provisions of this Ordinance shall be controlling.

SECTION 6. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 7. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 8. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 9. This Ordinance shall take effect after the passage of this Ordinance, the publication of the caption hereof as the law and charter in such case provide, and the filing in the Official Public Records of Dallas County, Texas, the notice required by Section 8-459, of the Comprehensive Zoning Ordinance, as amended, have occurred.

SECTION 10. This Ordinance and the right to use the Property for the purposes authorized herein shall terminate three (3) years from the effective date of this Ordinance.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH,
TEXAS, ON THIS THE 17th DAY OF JULY 2012.

ATTEST:

APPROVED:


Angela Kelly, City Secretary

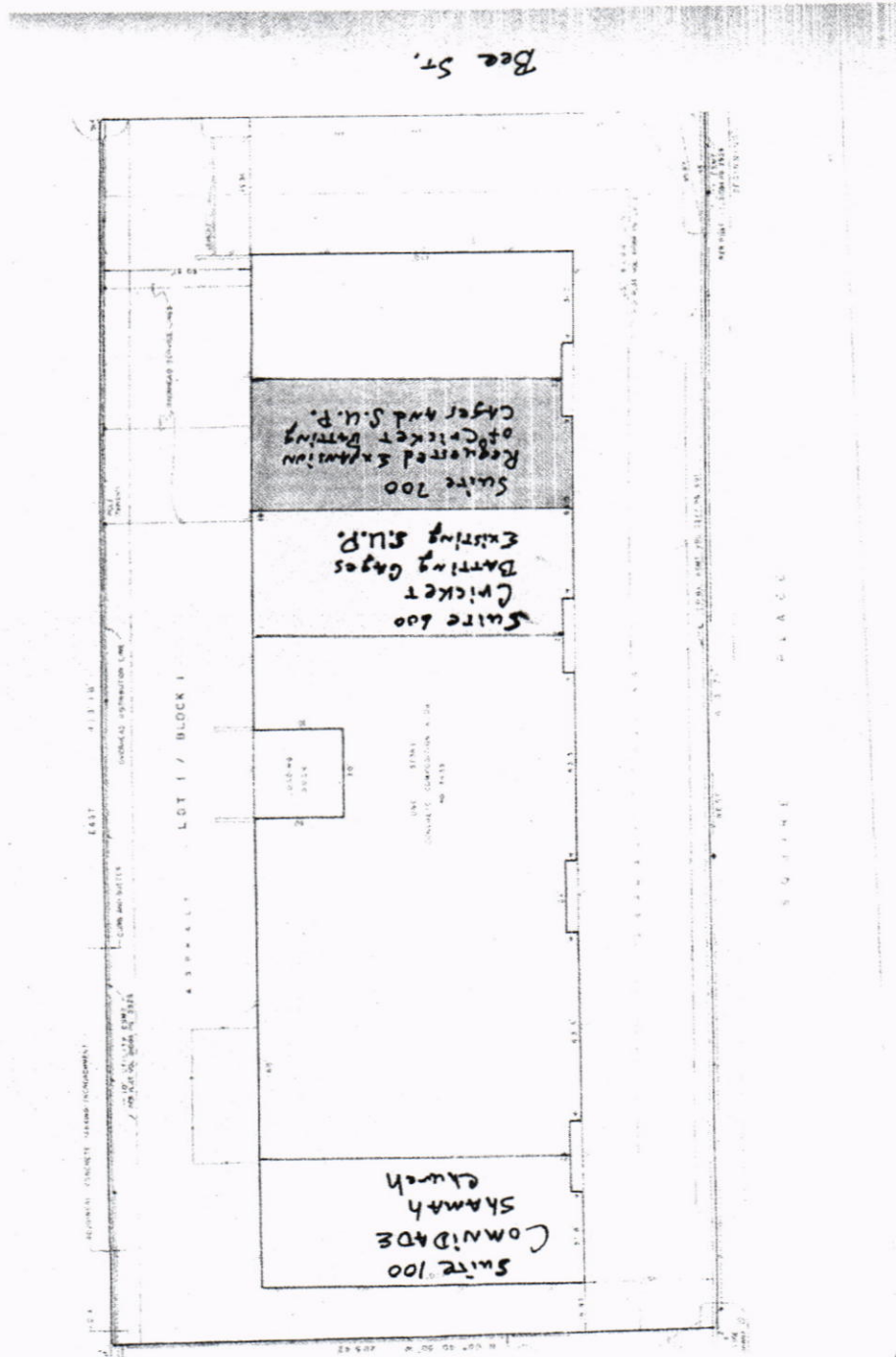

William P. Glancy, Mayor

APPROVED AS TO FORM:


Peter G. Smith, City Attorney

Ordinance No. 3189
EXHIBIT "A" Property Description

Being approximately 9624± square feet out of Lot 1, Block 1, Stewco Development Number Four, an Addition to the City of Farmers Branch, Dallas County, Texas, according to the Plat thereof recorded in Volume 81084, Page 2928, Deed Records, Dallas County, Texas, more commonly known as 2435 Squire Place, Suites 600 and 700, Farmers Branch, Texas, and generally depicted as follows:



Ordinance No. 3189
EXHIBIT "B" Site Plan (Floor Plan)

FLOOR PLAN

Attachment 4

